

**NOTICE OF APPEAL
TO
U.S. COURT OF APPEALS, THIRD CIRCUIT**

U.S. District Court for the District of Delaware

CIRCUIT COURT

DOCKET NUMBER: _____

HARRY SMITH, JR. and

ROSLYN WOODARD SMITH,

Individually and as Administrators of

The ESTATE OF HARRY SMITH, III,

Plaintiffs,

DISTRICT COURT

DOCKET NUMBER: 04-1254-GMS

DISTRICT COURT JUDGE:

HON. GREGORY M. SLEET

v.

CITY OF WILMINGTON,

JOHN CIRITELLA,

THOMAS DEMPSEY, and

MATTHEW KURTEN,

Defendants.

Notice is hereby given that all Plaintiffs appeal to the United States Court of Appeals for the Third Circuit from Judgments and Orders entered in this action, including the last Order entered in this case denying their motion for a new trial that is dated May 5, 2008.

Respectfully submitted this 30th day of May 2008.

/s/ Anne T. Sulton

Anne T. Sulton

Admitted: Pro Hac Vice

Sulton Law Offices
Post Office Box 2763
Olympia, WA 98507
Telephone: (360) 870-6000
E-Mail: annesulton@gmail.com

LOCAL COUNSEL:

Kester I.H. Crosse
Delaware State Bar I.D. #638
1214 King Street
Wilmington, DE 19801
Telephone: (302) 658-3488
E-Mail: kesterih@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2008, I electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Attorney John Parkins
Richards, et al.
Post Office Box 551
Wilmington, DE 19899
Telephone (302) 651-7700
E-mail Parkins@rlf.com
Attorney for Defendants

I also sent a copy of this document by regular mail to:

Hon. Gregory M. Sleet
Chief Judge
U.S. District Court for the District of Delaware
844 North King Street
Lockbox 18
Wilmington, DE 19801.

/s/ Anne T. Sulton
Anne T. Sulton